

# **CALEA and VoIP**

**Presentation to the  
Federal Communications Commission**

*AT&T Corp.*

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# CALEA Coverage

- **Telecommunications carrier – person or entity providing transmission or switching of wire or electronic communications as a common carrier for hire. Includes:**
  - **CMRS providers.**
  - **Person or entity providing switching or transmission service found by the Commission to be a “replacement for a substantial portion of the local telephone exchange service” where it is in the public interest to deem person or entity to be a telecommunications carrier.**
- **Persons or entities are excluded from coverage “insofar as they are engaged in providing information services.”**
- **CALEA definition of “telecommunications carrier” differs from ’96 Act definition, however -**
  - **Both include notion of common carriage.**
  - **Commission has stated that outcome should be virtually identical.**

# **CALEA Exemptions**

- **Information services**
- **Pre 1/1/95 equipment and facilities**
- **Private networks**
- **Interconnection**
  - **Long distance**

# **AT&T's Wireline Network Is CALEA Compliant**

- **Today, AT&T's wireline network can provide the following CALEA-mandated capabilities:**
  - **Implement and filter a terminating call trap to obtain real-time message logs of calls terminating to a facilities-based AT&T local customer.**
  - **Implement a pen register and deliver real-time, call identifying data to law enforcement.**
  - **Implement Title III orders by delivering real-time, call identifying data and call content to law enforcement.**
- **AT&T has assisted law enforcement with content and call detail requests, using CALEA and non-CALEA capabilities.**

# **DOJ/FBI/DEA Petition**

- **Seeks rulemaking on applicability of CALEA to broadband services and VoIP.**
- **Seeks declaratory ruling that CALEA applies to three types of VoIP:**
  - **Where entity provides broadband service and VoIP, e.g., cable companies.**
  - **Where one entity provides broadband service and a second entity provides the VoIP service, e.g., cable company partnering with VoIP provider.**
  - **Stand-alone broadband telephony service provider, e.g., Vonage, AT&T CallVantage.**

# **Law Enforcement Views**

- **Can have different definitions for Title II and CALEA coverage:**
- **VoIP is a replacement for a substantial portion of local exchange service.**
- **DSL and cable modem service are replacements for second lines.**
- **Broadband service providers must “translate” applications provided using their services.**

# **Petition's Implementation Scheme**

- **All VoIP providers are currently in violation of CALEA.**
- **Strict 15 month timeline for compliance:**
  - **Officer certifications**
  - **No extensions**
  - **No reasonably achievability “excuses”**
  - **FCC, rather than judicial, enforcement**
- **All CALEA-covered services must be CALEA compliant before they are deployed.**
- **If not sure about coverage, must be vetted by FBI and FCC before deployment.**

# **AT&T's Position**

- **Opposes declaratory ruling**
- **Supports initiation of NPRM.**
- **Law enforcement has ample authority under existing intercept statutes; AT&T has always cooperated with law enforcement**
- **Industry should be given the opportunity to develop solutions that fit the services being deployed – AT&T is committed to developing solutions.**

## **AT&T's Position (cont.)**

- **Extending CALEA to VoIP would upset the balance constructed by Congress.**
- **CALEA does not apply to information services such as VoIP.**
- **VoIP is *not* now “a replacement for a substantial portion of the local telephone exchange service.”**
- **A “one-size-fits-all” approach to VoIP would impede the introduction of new technologies and services.**
- **Congress placed CALEA enforcement with the federal courts and not with the FCC.**

# Conclusion

AT&T will cooperate fully with law enforcement to ensure that law enforcement has the capabilities it needs to implement lawfully authorized interception requests.